

ARKANSAS SUPREME COURT

No. CACR 08-545

JEREMIAH WALTON
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered May 28, 2009

PRO SE MOTION FOR TRANSCRIPT
AT PUBLIC EXPENSE [CIRCUIT
COURT OF PULASKI COUNTY, CR
2007-2265]

MOTION DENIED.

PER CURIAM

In 2003, a jury found petitioner Jeremiah Walton guilty of two counts of rape. The Arkansas Court of Appeals affirmed the judgment. *Walton v. State*, CACR 08-545 (Ark. App. Dec. 10, 2008). Petitioner now brings this motion in which he asserts that he is indigent and requests a copy of, or use of, the transcript of the proceedings in his trial at public expense.¹ We consider the motion as one for copies at public expense, as providing petitioner with access to the materials would require photocopying at public expense because he is incarcerated and not in a position to examine the material in our clerk's office.

A petitioner is not entitled to a copy of material on file with this court at public expense unless he or she demonstrates some compelling need for specific documentary evidence to support an allegation contained in a petition for postconviction relief. *Bradshaw v. State*, 372 Ark. 305, 275

¹ For clerical purposes, the motion has been filed under the docket number assigned to the direct appeal of the judgment that was lodged in the court of appeals. This court decides all motions for photocopying at public expense because such motions are considered to be requests for postconviction relief. See *Williams v. State*, 273 Ark. 315, 619 S.W.2d 628 (1981) (per curiam).

S.W.3d 173 (2008) (per curiam). Indigency alone does not entitle a petitioner to free photocopying. *Nooner v. State*, 352 Ark. 481, 101 S.W.3d 834 (2003) (per curiam).

Petitioner asserts that the transcript of his trial is needed to prepare a brief in an appeal in this court. He indicates that the transcript is needed to prepare the abstract as to multiple points and identifies, as an example, a claim that an interpreter was necessary but not present. No appeal, however, has been lodged. Petitioner has not demonstrated that there is a postconviction remedy available to him. Accordingly, we deny the motion.

We note that when an original action has been filed in this court, the material pertaining to it remains permanently on file with the clerk. Unless it is being maintained under seal, the material is available for review in the clerk's office and a person who reviews the materials may photocopy all or portions of it. An incarcerated person desiring a photocopy of material on file here may write this court, remit the photocopying fee, and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Bradshaw*, 372 Ark. at 305, 275 S.W.3d at 174.

Motion denied.